

Application No.: 09/510,857

Docket No.: 47097-00052USPT

REMARKS

The Applicant thanks Examiner Pierce for the phone conference with Applicant's undersigned attorney on April 6, 2004 in which the Office Action of January 21, 2004 was discussed. Specifically, the Applicant's attorney pointed out specific portions of the originally filed application that supported the claims. Examiner Pierce indicated that the present case should be allowable and suggested that the Applicant provide written comments of the discussed passages and explain the language of claims 13 and 21.

Claims 13-27, 31, and 32 remain in this application. Claims 28-30 and 33 are cancelled without prejudice in this paper. Claims 1-12 were previously cancelled without prejudice.

Claims 13-33 were rejected under 35 U.S.C. §112, first paragraph, "as failing to comply with the written description requirement" by containing subject matter not described in the specification. The Applicant respectfully disagrees and points out that the summary of the invention section of the originally filed application supports "sealing only said at least one seal netting strand" on, for example, page 3, lines 16-22. Further, the detailed description of the embodiments section of the application supports this limitation on page 5, line 23 to page 6, line 1, and at page 6, lines 14-18. Additionally, the Applicant notes that abstract of the originally filed application supports this limitation at page 11, lines 5-7, by stating: "The netting strands in the non-sealed areas of the net-reinforced film structure are free from attachment to the opposing film structure." After discussing these passages with Examiner Pierce, he indicated that the rejection should be withdrawn.

Claims 13-33 were additionally rejected under 35 U.S.C. §112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention." The Applicant respectfully believes that this language is not confusing. The "at least one seal netting strand" limitation of claim 13 indicates that the net-reinforced film structure of the pending claims have one or more seal netting strands. The "sealing only said at least one seal netting strand" limitation of claim 13 indicates that seals are only located where seal netting strands are present in the structure. Therefore, this limitation simply indicates that the net-reinforced film structure may have one or more seal netting strands, but that seals are only located where seal netting strands are present in the structure.

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Similarly, Applicant believes that the language of claim 21 is not confusing. The "at least one first seal netting strand" and the "at least one second seal netting strand" limitations simply indicate that the first film layer and the first netting structure have one or more seal netting strands, and the second film layer and the second netting structure have one or more seal netting strands. The "sealing only at least one first seal netting strand to said at least one second seal netting strand" limitation means that the first film and netting structure may have one or more seal netting strands and that the second film and netting structure may have one or more seal netting strands, but that seals are only located where seal netting strands of the first film and netting structure align with seal netting strands of the second film and netting structure.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47097-00052.

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Respectfully submitted,

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